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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,894	10/23/2003	Mike E. Little	5681-33700	8981
58467	7590	09/19/2007		
MHKKG/SUN P.O. BOX 398 AUSTIN, TX 78767			EXAMINER WILSON, YOLANDA L	
			ART UNIT 2113	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/691,894

Applicant(s)

LITTLE ET AL.

Examiner

Yolanda L. Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 43-46, 48, 50-55 and 57-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 43, 48, 50, 52, 54, 57-61, 63, 65, 68-70, 75, 76, 79 and 80 is/are rejected:
- 7) ☒ Claim(s) 4, 6, 44-46, 51, 53, 55, 56, 62, 64, 66, 67, 71-74, 77, 78, 81 and 82 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims are rejected under 35 U.S.C. 102(e) as being anticipated by McCaleb et al. (USPN 6170065B1). As appears in claim 1, McCaleb et al. discloses a processor; a memory coupled to the processor and configured to store program instructions executable by the processor to implement in column 3, lines 16-19: a knowledge automation engine in column 3, lines 43-44 comprising: a knowledge interface to receive one or more checks and one or more corresponding product check matrixes from a knowledge repository, wherein the one or more of packages or patches applicable to one or more product issues in column 7, lines 23-31 (the patch worker); a fact interface to receive one or more facts describing a product configuration in column 7, lines 27-28 (patch checker); wherein the knowledge automation engine automatically evaluates a rule in the one or more checks against the one or more facts to determine if the one or more product issues specified by the one or more checks exists for the product configuration in column 7, lines 28-31; and wherein if the one or more product issues are detected, the knowledge automation engine applies one or more of packages

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or patches specified in the one or more corresponding product check matrixes to correct the one or more product issues in column 7, lines 19-31. The Product check matrixes is the part database (see column 3, lines 64-67).

3. As per claim 2, McCaleb et al. discloses wherein the one or more product check matrixes comprises: a package and a patch associated with the package in column 3, lines 64-67. The package is the name of the software. The patch is the updated software version.

4. As per claim 3, McCaleb et al. discloses wherein the association between the package and the patch is predefined in column 3, lines 64-67.

5. As per claim 43, McCaleb et al. discloses wherein a product check matrix of the one or more product check matrixes specifies one or more of packages or patches directly applicable to a specific product issue detectable by executing the rule of a check associated with the corresponding product check matrixes in column 7, lines 19-31.

6. As per claims 48,59, McCaleb et al. discloses listing of one or more of packages or patched in a product check matrix of a plurality of product check matrixes, wherein the product check matrix corresponds to one or more product issues and wherein the plurality of product check matrixes comprises two or more product check matrixes that correspond to different product issues and have listings of one or more of packages or patches specific to their respective product issue in column 3, lines 64-67; receive a definition of one or more check elements related to the one or more product issues of the product issues of the product check matrix of the plurality of product check matrixes, wherein the one or more check elements are linked to the corresponding product check

matrix with the one or more of packages or patches for correcting the one or more product issues; and evaluating the rule against a fact to determine if the one or more product issues is present on a product in column 7, lines 19-31; column 3, lines 64-67. The rule is the comparison of client software info to the updated software in the part database.

7. As per claim 60 McCaleb et al. discloses retrieving the fact from a fact repository about the product in column 7, lines 19-31; column 3, lines 64-67.

8. As per claims 50,61, McCaleb et al. discloses applying the one or more of the packages or patches to the product specified in the corresponding product check matrix when the one or more product issues are discovered by evaluating the rule in column 7, lines 19-31.

9. As per claims 52,63, McCaleb et al. discloses wherein the one or more of packages or patches listed by the product check matrix includes at least a package and a patch associated with the package; and wherein the method further comprises defining one or more associations between the package in the product check matrix and the patch in column 3, lines 64-67.

10. As per claims 54,65, McCaleb et al. discloses wherein the one or more of packages or patches listed by the product check matrix includes at least a package and a patch associated with the package; wherein the method further comprises defining one or more associations between the package and the patch in the product check matrix; and wherein the one or more associations are defined according to patch

updated applied to the package in a database accessible by a knowledge automation engine in column 7, lines 19-31.

11. As per claims 57,68, McCaleb et al. discloses wherein the one or more check elements are used with the corresponding product check matrix in column 7, lines 19-31.

12. As per claims 58,69, McCaleb et al. discloses wherein the one or more check elements are selected from the rule, a problem statement, or a link to reference documentation in column 7, lines 19-31. The rule is the comparison. The rule is the comparison of client software info to the updated software in the part database.

13. As per claims 70, 76, McCaleb et al. discloses receiving a check from a knowledge repository, wherein the check comprises a rule for detecting a specific product issue; receiving a fact describing a product configuration; evaluating the rule against the fact to determine if the specific product issue exists for the product configuration; and applying a package listed in a product check matrix to correct the specific product issue, wherein the product check matrix is associated with the check and the specific product issue and is selectively accessed to determine a package to use to correct the specific product issue in column 7, lines 19-31 and column 3, lines 64-67.

14. As per claims 75,79, McCaleb et al. disclose receiving the corresponding product check matrix with the check in column 7, lines 19-31.

15. As per claim 80, McCaleb et al. discloses listing of one or more of packages or patched in a product check matrix of a plurality of product check matrixes, wherein the

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product check matrix corresponds to one or more product issues and wherein the plurality of product check matrixes comprises two or more product check matrixes that correspond to different product issues and have listings of one or more of packages or patches specific to their respective product issue in column 3, lines 64-67; receive a definition of one or more check elements related to the one or more product issues of the product issues of the product check matrix of the plurality of product check matrixes, wherein the one or more check elements are linked to the corresponding product check matrix with the one or more of packages or patches for correcting the one or more product issues; and evaluating the rule against a fact to determine if the one or more product issues is present on a product in column 7, lines 19-31; column 3, lines 64-67. The rule is the comparison of client software info to the updated software in the part database.

### ***Response to Arguments***

16. Applicant's arguments with respect to the rejection(s) of claim(s) 1-3,43,48,50,52,54,57-61,63,65,68-70,75,76 and 79 have been fully considered and are not persuasive. As per Applicants argument disclosed in the Remarks Section on pages 16-17, please see the rejection above.

### ***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

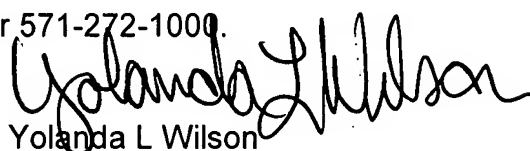
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda L. Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yolanda L Wilson  
Primary Examiner  
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